

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 CHRIS GLISSON,

Case No. 3:19-cv-00025-RCJ-CLB

4 Plaintiff

ORDER

5 v.

6 FURLONG et al.,

7 Defendants

8 This action began with a *pro se* civil rights complaint filed under 42 U.S.C. § 1983  
9 by a state prisoner. On November 18, 2019, this Court issued an order directing Plaintiff  
10 to file his updated address and submit a signed complaint with this Court within thirty (30)  
11 days. (ECF No. 5 at 2). The thirty-day period has now expired, and Plaintiff has not filed  
12 his updated address, submitted a signed complaint, or otherwise responded to the Court's  
13 order.

14 District courts have the inherent power to control their dockets and "[i]n the  
15 exercise of that power, they may impose sanctions including, where appropriate . . .  
16 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831  
17 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure  
18 to prosecute an action, failure to obey a court order, or failure to comply with local rules.  
19 See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for  
20 noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.  
21 1992) (affirming dismissal for failure to comply with an order requiring amendment of  
22 complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal  
23 for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of  
24 address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (affirming  
25 dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,  
26 1424 (9th Cir. 1986) (affirming dismissal for lack of prosecution and failure to comply with  
27 local rules).

28 In determining whether to dismiss an action for lack of prosecution, failure to obey  
a court order, or failure to comply with local rules, the court must consider several factors:

1 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
2 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
3 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
4 See *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at  
5 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

6 Here, the Court finds that the first two factors, the public's interest in expeditiously  
7 resolving this litigation and the Court's interest in managing the docket, weigh in favor of  
8 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
9 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay  
10 in filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air*  
11 *West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy favoring  
12 disposition of cases on their merits—is greatly outweighed by the factors in favor of  
13 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
14 the court's order will result in dismissal satisfies the "consideration of alternatives"  
15 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779  
16 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address and submit  
17 a signed complaint with the Court within thirty (30) days expressly stated: "It is further  
18 ordered that, if Plaintiff fails to timely update his address or submit a signed complaint,  
19 the Court will dismiss this case without prejudice." (ECF No. 5 at 2). Thus, Plaintiff had  
20 adequate warning that dismissal would result from his noncompliance with the Court's  
21 order to file his updated address and submit a signed complaint within thirty (30) days.

22 It is therefore ordered that this action is dismissed without prejudice based on  
23 Plaintiff's failure to file an updated address and submit a signed complaint in compliance  
24 with this Court's November 18, 2019, order.

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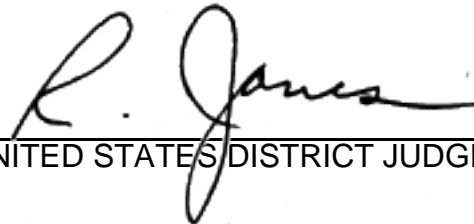
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It is further ordered that the application to proceed *in forma pauperis* (ECF No. 4) is denied as moot.

It is further ordered that the Clerk of Court will close the case and enter judgment accordingly.

DATED THIS 23rd day of January, 2020.

  
UNITED STATES DISTRICT JUDGE